

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1306 be amended to read as follows:

- 1 Page 3, between lines 17 and 18, begin a new paragraph and insert:
- 2 "SECTION 4. [EFFECTIVE UPON PASSAGE] (a) **For purposes**
- 3 **of this SECTION:**
- 4 (1) "wetland" means an area, including a swamp, marsh, or
- 5 bog, that:
- 6 (A) is inundated or saturated by surface or ground water
- 7 at a frequency and duration sufficient to support, and that
- 8 under normal circumstances does support, a prevalence of
- 9 vegetation typically adapted for life in saturated soil
- 10 conditions;
- 11 (B) is not a wetland subject to Section 404 of the federal
- 12 Clean Water Act (33 U.S.C. 1344); and
- 13 (C) exceeds one-half (1/2) acre; and
- 14 (2) "department" refers to the department of environmental
- 15 management.
- 16 (b) The department of environmental management shall
- 17 determine and delineate wetlands using the U.S. Army Corps of
- 18 Engineers Wetland Delineation Manual, Technical Report Y-87-1,
- 19 January 1987.
- 20 (c) A person must notify the department before the person
- 21 dredges, fills, or excavates in a wetland:
- 22 (1) of less than ten (10) contiguous acres; and
- 23 (2) that does not consist of:
- 24 (A) bog, cypress swamp, or dune and swale; or
- 25 (B) area determined by the department to be:
- 26 (i) habitat for threatened and endangered species under
- 27 federal or state law; or
- 28 (ii) a wetland hydrologically important to a community
- 29 public water supply.
- 30 (d) A person must submit an application to the department on
- 31 a form provided by the department for approval to dredge, fill, or

- 1 excavate in:
2 (1) a wetland of ten (10) or more contiguous acres; or
3 (2) a wetland of less than ten (10) contiguous acres that
4 consists of area described in subsections (c)(2)(A) and
5 (c)(2)(B).
6 (e) If the department disapproves the application under
7 subsection (d), the department shall notify the applicant of the
8 disapproval not later than ten (10) days after the date of receipt of
9 the application. The department's determination under this
10 subsection is subject to IC 4-21.5.
11 (f) If the department approves the application under subsection
12 (d), the department shall notify the applicant of the approval not
13 later than one hundred twenty (120) days after the date of receipt
14 of the application.
15 (g) This SECTION expires July 1, 2003."
16 Renumber all SECTIONS consecutively.
(Reference is to EHB 1306 as printed February 20, 2002.)

Senator GARD